

## § 12.02-5

## 46 CFR Ch. I (10-1-06 Edition)

NDR listed convictions. Non-drug or alcohol related NDR listed convictions will be evaluated by the Officer in Charge, Marine Inspection under table 12.02-4(c) as applicable.

(4) An applicant may request an NDR file check for *personal* use in accordance with the Federal Privacy Act of 1974 (Pub. L. 93-579) by contacting the NDR at the following address: National Driver Register, Nassif Building, 400 7th Street SW., Washington, DC 20590.

(i) Applicants should request Form NDR-PRV or provide the following information on a notarized letter:

- (A) Full legal name;
- (B) Other names used;

- (C) Complete mailing address;
- (D) Driver license number;
- (E) Eye color;
- (F) Social security number;
- (G) Height;
- (H) Weight; and
- (I) Sex.

(ii) The NDR will respond to every valid inquiry including requests which produce no record(s) on the NDR file. Records can be made available, within a reasonable amount of time after the request, for personal inspection and copying during regular working hours at 7:45 a.m. to 4:15 p.m., each day except Federal holidays.

TABLE 12.02-4(D)—GUIDELINES FOR EVALUATING APPLICANTS FOR MERCHANT MARINER'S DOCUMENTS WHO HAVE NDR MOTOR VEHICLE CONVICTIONS INVOLVING DANGEROUS DRUGS OR ALCOHOL<sup>1</sup>

No. of convictions	Date of conviction	Assessment period
1 .....	Less than 1 year .....	1 year from date of conviction.
1 .....	More than 1, less than 3 years ...	Application will be processed, unless suspension, or revocation <sup>2</sup> is still in effect. Applicant will be advised that additional conviction(s) may jeopardize merchant mariner credentials.
1 .....	More than 3 years old .....	Not necessary unless suspension or revocation is still in effect.
2 or more .....	Any less than 3 years old .....	1 year since last conviction and at least 3 years from 2nd most recent conviction, unless suspension or revocation is still in effect.
2 or more .....	All more than 3 years old .....	Application will be processed unless suspension or revocation is still in effect.

<sup>1</sup> Any applicant who has ever been the user of, or addicted to the use of, a dangerous drug shall meet the requirements of paragraph (a) of this section.

<sup>2</sup> Suspension or revocation, when referred to in table 12.02-4(d), means a State suspension or revocation of a motor vehicle operator's license.

(e) If an applicant for an original merchant mariner's document has one or more alcohol or dangerous drug related criminal or NDR listed convictions; if the applicant has ever been the user of, or addicted to the use of, a dangerous drug; or if the applicant applies before the minimum assessment period for his or her conviction has elapsed; the Officer in Charge, Marine Inspection may consider the following factors, as applicable, in assessing the applicant's suitability to hold a merchant mariner's document. This list is intended as a guideline. The Officer in Charge, Marine Inspection may consider other factors which he or she judges appropriate, such as:

(1) Proof of completion of an accredited alcohol- or drug-abuse rehabilitation program.

(2) Active membership in a rehabilitation or counseling group, such as Alcoholics or Narcotics Anonymous.

(3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers.

(4) Steady employment.

(5) Successful completion of all conditions of parole or probation.

[CGFR 69-116, 35 FR 6860, Apr. 30, 1970, as amended by CGD 91-223, Jan. 23, 1995; CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; USCG-2003-14500, 69 FR 531, Jan. 6, 2004; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

### § 12.02-5 Form in which documents are issued.

(a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form CG-2838, and wherever such certificates are mentioned in

this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form CG-719B.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

**§ 12.02-7 When documents are required.**

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service or efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States Shipping Commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c)(1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below

the rank of licensed officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151) and in 33 CFR part 82.

(d) After January 31, 1997, each person serving as a rating forming part of a navigational watch on a seagoing ship of 500 gross tons or more shall hold an STCW endorsement certifying him or her as qualified to perform the navigational function at the support level, in accordance with STCW (incorporated by reference in § 12.01-3).

(e) After January 31, 2002, each person serving as a rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room, on a seagoing ship driven by main propulsion machinery of 750 kW [1,000 hp] of propulsion power or more, shall hold an STCW endorsement certifying him or her as qualified to perform the marine-engineering function at the support level, in accordance with STCW.

(f) Notwithstanding any other rule in this part, no unlicensed person serving on any of the following vessels needs hold an STCW endorsement, either because he or she is exempt from application of the STCW, or because the vessels are not subject to further obligation under STCW, on account of their special operating conditions as small vessels engaged in domestic voyages:

(1) Small passenger vessels subject to subchapter T or K of title 46, CFR.

(2) Vessels of less than 200 GRT (other than passenger vessels subject to subchapter H of title 46, CFR).

(3) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42).

(4) Fishing vessels as defined in 46 U.S.C. 2101(11)(a).

(5) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c).

(6) Barges as defined in 46 U.S.C. 2101(2), including non-self-propelled mobile offshore-drilling units.